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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,617	06/29/2000	Gregory W. Bruening	USW#-1750	7650

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EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/606,617

Applicant(s)
Bruening

Examiner
Bing Bui

Art Unit
2642



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 10, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 10 and 16 is withdrawn in view of the newly discovered reference to Devillier et al (US Pat No. 6,366,661). Rejections based on the newly cited reference follow.

Claim Rejections - 35 USC § 103

2. Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devillier et al (US Pat 6,366,661) in view of Birckbichler (US Pat No. 5,796,806).

Regarding claim 1, Devillier et al teach the invention substantially as claimed, a method for identifying a caller 12 in which with respect to Figure 2, Devillier et al teach the method comprising the steps of:

a) receiving a call from caller 12 to a subscriber line having a device 14 (e.g. a personal computer associated with a telephone set) connected to internet 18 (computer network) (Fig 2, elements 14, 18 and 36; and co 2, ln 18-26);

b) determining that the subscriber line is connected to the internet 18 (computer network) (col 2, ln 9-17);

Devillier et al differ from claimed invention in which it does not teach the step of:

c) in response to said step b), prompting the caller to provide identification;

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d) receiving an audible identification from the caller; and

e) providing the caller audible identification to the subscriber.

However, Birckbichler teaches the steps of:

c) in response to said step b), prompting the caller to provide identification

(Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57);

d) receiving an audible identification from the caller (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57); and

e) providing the caller audible identification to the subscriber (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57).

Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the method of collecting and recording the audible caller identification and playing back such identification to a subscriber as taught by Birckbichler to Devillier et al's invention for transparently and friendly enabling the subscriber to decide whether or not to accept the call.

Regarding claims 2-3, 30-31 and 45-46, Devillier et al teach the invention substantially as claimed, with the exception of providing the step of recording the caller audible identification and sending the recorded audible identification to the device.

However, Birckbichler teaches the steps of recording the caller audible identification and sending the recorded audible identification to the recipient subscriber (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57).

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Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the method of collecting and recording the audible caller identification as taught by Birckbichler to Devillier et al's invention to provide caller information to recipient subscriber that enables the recipient subscriber to decide whether or not to accept the call.

Regarding claims 4-5, Devillier et al teach the invention substantially as claimed, with the exception of providing the step of:

f) before said step c), determining whether calling party information is present in response to said step b);

g) determining that the calling party information is not present; and

h) performing said step c) in response to said step g).

l) detecting a trigger at the subscriber line in said step a);

j) performing said step f) in response to said step l).

However, Birckbichler teaches the steps of:

f) before said step c), determining whether calling party information is present in response to said step b) (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57);

g) determining that the calling party information is not present (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57); and

h) performing said step c) in response to said step g) (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57).

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l) detecting a trigger at the subscriber line in said step a) (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57);

j) performing said step f) in response to said step l) (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57).

Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the method of determination of the presence of caller information before prompting the caller for information as taught by Birckbichler to Devillier et al's invention to save call processing time.

Regarding claim 6, Devillier et al teach the invention substantially as claimed, the method further including the step of directing the call to an intelligent peripheral based upon said step g) (col 1, ln 66-col 2, ln 8).

Regarding claim 7, Devillier et al teach the invention substantially as claimed, the method further including the step of displaying a plurality of disposition options for the call via the subscriber line (col 2, ln 39-54).

As to claims 8, 12-15, 17-18, 22 and 33-34, they are rejected for the same reasons set forth to rejecting claims 1-3 above, since claims 8, 12-15, 17-18, 22 and 33-34 are merely a system for implementing the method defined in the method claims 1-3.

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As to claim 9, it is rejected for the same reasons set forth to rejecting claim 2 above, since claim 9 is merely a system for implementing the method defined in the method claim 2.

Regarding claims 10, 16, 23 and 42-43, Devillier et al teach the invention substantially as claimed, wherein the programmable network computer comprises an communication server 16 (online call alert) communicating with the SCP, the communication server 16 including information associating the subscriber line with an address on the computer network, and wherein the programmable network computer notifies subscriber 14 about an incoming call (Figs 1-2 and col 2, ln 32-38).

Devillier et al differ from claimed invention in which it does not explicitly teach the step of sending the audible identification to the subscriber.

However, Birckbichler teaches the steps of providing the caller audible identification to the subscriber (Abstract; Figs 1-2 and col 2, ln 26-col 3, ln 57)

Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the method of collecting and recording the audible caller identification and playing back such identification to a subscriber as taught by Birckbichler to Devillier et al's invention for transparently and friendly enabling the subscriber to decide whether or not to accept the call.

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As to claim 11, it is rejected for the same reasons set forth to rejecting claim 6 above, since claim 11 is merely a system for implementing the method defined in the method claim 6.

As to claims 19-21, 24, 28-29, 32, 37-39, 44 and 47-48, they are rejected for the same reasons set forth to rejecting claim 1.

Regarding claim 25, Devillier et al teach the invention substantially as claimed, wherein the computer network is the Internet (Figs 1-2 and col 2, ln 32-48).

Regarding claim 26, Devillier et al teach the invention substantially as claimed, wherein the visual interface comprises an Internet web page (col 2, ln 32-48).

Regarding claim 27, Devillier et al teach the invention substantially as claimed, wherein the visual interface comprises a pop-up screen (col 2, ln 32-48).

As to claim 35, it is rejected for the same reasons set forth to rejecting claim 26 above, since claim 35 is merely a system for implementing the method defined in the method claim 26.

As to claim 36, it is rejected for the same reasons set forth to rejecting claim 27 above, since claim 36 is merely a system for implementing the method defined in the method claim 27.

As to claims 40-41, they are rejected for the same reasons set forth to rejecting claims 2-3 above, since claims 40-41 are merely a system for implementing the method defined in the method claims 2-3.

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Regarding claims 49-51, Devillier et al teach the invention substantially as claimed, subscriber 14 includes a telephone set associated with a personal computer that connected to internet 18 via internet service provider point of presence 36 (Figs 2 and 7).

Response to Arguments

3. Applicant's arguments with respect to claims 1-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smock et al (US Pat No. 6,377,668) disclose a method and system for alerting the internet user an incoming call by mean of voice delivered over a speaker.

Gurbani et al (US Pat no. 6,282,275) disclose the caller identification log with internet access.

Borland (US Pat No. 6,122,347) discloses a system and method for self-announcing a caller of an incoming call.

Luneau (US Pat No. 6,038,443) discloses a calling party announcement apparatus.

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Norris et al (US Pat No. 5,805,587) disclose a call notification feature for a telephone line connected to the internet.

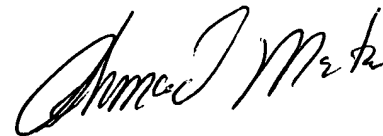
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

BING BUI

Jul 19, 2002



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